THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.21779 OF 2006

BETWEEN:

Bandela Jayaprada wife of late Immanuel

…Petitioner

vs.

The District Collector, Krishna District and others.

..Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETTION NO.21779 OF 2006

ORAL ORDER

The writ petition is directed against the notification issued by the 1st respondent bearing reference No.RC.G4/3990 dated.05-09-2006 published in a Telugu daily proposing acquisition of petitioner's lands in Vijayawada Rural Mandal, Krishna District for the purpose of allotment of house-sites for weaker sections The enquiry under Sec.5-A of the Land Acquisition Act,1894 (for short "the Act") has not been dispensed with while issuing the notice under Sec.4(1) of the Act. In the circumstances the objections of the petitioner to the acquisition process urged in this writ petition ought not to be adjudicated under Article.226 of the Constitution.

The petitioner is at liberty to lodge her objections at the enquiry under Sec.5-A of the Act. When such objections are lodged the respondents are obligated statutorily and on established principles of administrative law to consider the objections and pass a reasoned order. The competent authority i.e., the State Government or such competent delegated authority as is empowered in this behalf shall communicate the decision on the petitioner's objections to the petitioner by registered post with acknowledgment due. Till such communication of the decision, pursuant to the enquiry under Sec.5-A of the Act, the petitioner shall not be dispossessed. After receipt of the decision the petitioner is at liberty to pursue her remedies if any grievance subsists.

The writ petition is disposed of as above at the stage of

admission, after hearing the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition. There shall however be no order as to costs.

GODA RAGHURAM,J

1st NOVEMBER 2006
***TSNR**